

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2006-239-C - ORDER NO. 2007-13  
JANUARY 8, 2007

IN RE: Dennis Corporation,	)	ORDER HOLDING
	)	DOCKET OPEN FOR
Complainant/Petitioner,	)	TEN DAY PERIOD AND
	)	SETTING FORTH
v.	)	DISMISSAL CRITERION
BellSouth Telecommunications, Inc. and	)	
Birch Telecom of the South, Inc.,	)	
	)	
Defendants/Respondents.	)	
	)	

This matter comes before the Public Service Commission of South Carolina (Commission) on the “Withdrawal of Complaint Against BellSouth Telecommunications, Inc. and Birch Telecom of the South, Inc.” filed by Dennis Corporation on January 2, 2007. By this filing, Dennis Corporation gives notice of the voluntary withdrawal of its Complaint with prejudice in the present proceeding.

After review of Dennis Corporation’s withdrawal, we find that the one-sentence text of the notice of withdrawal only expressly mentions BellSouth. However, based on the title of the withdrawal and the fact that Birch Telecom is currently in bankruptcy, the Commission has interpreted this filing to be a notice of complete dismissal of Dennis Corporation’s complaint against all parties. As such, we have determined that the docket should be closed due to dismissal of all parties by the Complainant.

However, due to the uncertainty of meaning created by the absence of Birch Telecom's name in the text of the notice, we also determined to hold this Docket open for a ten (10) day period from the date of the order resulting from the Commission's directive in order to give Dennis Corporation an opportunity to clarify its intent as to whether it intended to dismiss Birch Telecom by the filing of its January 2, 2007 Withdrawal of Complaint.

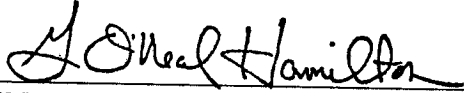
Our decision was recorded in a Directive on January 3, 2007, and on that same date, Dennis Corporation filed an Amended Withdrawal of Complaint Against BellSouth Telecommunications, Inc. and Birch Telecom of the South, Inc., wherein Dennis Corporation gave notice of the voluntary withdrawal of its Complaint with prejudice against both BellSouth Telecommunications, Inc. and Birch Telecom of the South, Inc. Dennis Corporation has thus confirmed this Commission's interpretation of the company's Notice.

IT IS THEREFORE ORDERED THAT:

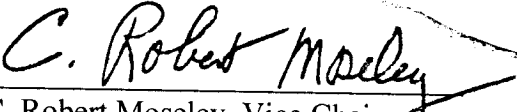
1. Ten days from the date of this Order, the Commission staff shall close this docket due to the dismissal of all parties.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
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G. O'Neal Hamilton, Chairman

ATTEST:

  
\_\_\_\_\_  
C. Robert Moseley, Vice Chairman

(SEAL)